

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MOKHTAR BENGANA,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:07-CV-910 (CEJ)
)	
AT&T CORP.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on defendant's motion for a protective order. Plaintiff opposes the motion, and the issues are fully briefed.

Plaintiff filed this action against defendant AT&T Corporation, alleging that defendant violated the Family and Medical Leave Act ("FMLA") by terminating plaintiff's employment while he was on leave with a serious health condition. Plaintiff has requested defendant disclose certain documents including, but not limited to, defendant's FMLA policies, personnel manuals, pension plan documents, insurance benefits, and personnel files of its employees. Defendant believes that a protective order is necessary in order to protect their interest in their propriety policies as well as the privacy interests of its employees.

Plaintiff does not oppose a protective order, but argues that the proposal offered by defendant is too broad and encompasses documents which need not be marked "confidential". Plaintiff does not offer his own proposed protective order, but contends that the definition of "confidential" should be limited to include health records and personnel files. Plaintiff anticipates that defendant

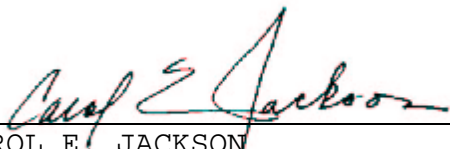
will mark all documents "confidential", even when they do not truly contain proprietary or personal information.

The Court believes that plaintiff's opposition is premature. Defendant has not yet marked any information as "confidential" and there is no reason at this time to believe that defendant will use the protective order more broadly than is necessary. While the necessity to protect information contained in certain documents requested by plaintiff, such as defendant's FMLA policy, is unclear, other requested documents certainly will contain proprietary or highly personal information. Thus, the Court finds that defendant has shown with good cause that a protective order is appropriate under Fed. R. Civ. P. 26(c).

The Court notes that the protective order contains a provision allowing objections to the designation by the other party of any information as "confidential". Should plaintiff disagree with any of defendant's designations of "confidential", plaintiff can at that time follow the objection procedures outlined in the protective order.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion [#9] for a protective order is **granted**.


CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 16th day of November, 2007.